

REGULATION II - PERMITS AND FEES

RULE 230 GENERAL PERMITS

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**MARICOPA COUNTY
AIR POLLUTION CONTROL REGULATIONS**

REGULATION II- PERMITS AND FEES

**RULE 230
GENERAL PERMITS**

SECTION 100 - GENERAL

- 101 PURPOSE:** To allow for the issuance of general permits for a facility class that contains a large number of sources that are similar in nature, have substantially similar emissions, and would be subject to the same or substantially similar requirements governing operations, emissions, monitoring, reporting, or recordkeeping.
- 102 APPLICABILITY:** General permits shall not be issued for affected sources except as provided in regulations promulgated by the Administrator under Title IV of the Act.

SECTION 200 - DEFINITIONS: For the purpose of this rule, the following definitions shall apply:

- 201 HAZARDOUS AIR POLLUTANT REASONABLY AVAILABLE CONTROL TECHNOLOGY (HAPRACT)** - An emissions standard for hazardous air pollutants which the Control Officer, acting pursuant to §49-480.04(C), determines is reasonably available for a source. In making the foregoing determination, the Control Officer shall take into consideration the estimated actual air quality impact of the standard, the cost of complying with the standard, the demonstrated reliability and widespread use of the technology required to meet the standard, and any non-air quality health and environmental impacts and energy requirements. For purposes of this definition, an emissions standard may be expressed as a numeric emissions limitation or as a design, equipment, work practice, or operational standard.
- 202 SIMILAR IN NATURE** - Refers to facility size, processes and operating conditions.

SECTION 300 - STANDARDS

301 RULES APPLICABLE TO A GENERAL PERMIT: Unless otherwise stated, the provisions of Rules 200, 210, 220, 245, 270, and 400 shall apply to general permits.

302 GENERAL PERMIT DEVELOPMENT:

302.1 The Control Officer may issue a general permit on his own or in response to a petition. At the time the Control Officer issues a general permit, the Control Officer may also establish a specific application with filing instructions for sources in the category covered by the general permit.

302.2 Any person may submit a petition to the Director or to the Control Officer requesting the issuance of a general permit for a defined class of facilities. The petition shall propose a particular class of facilities, shall list the approximate number of facilities in the proposed class along with their size, processes and operating conditions, and shall demonstrate how the class meets the criteria for a general permit as specified in Sections 100 and 301 through 303 of this rule and in ARS§49-426(H). The Control Officer shall provide a written response to the petition within 120 days of receipt.

302.3 General permits shall be issued or denied for classes of facilities using the same engineering technical review process that applies to permits for individual sources and following the public notice requirements of Section 304 of this rule.

302.4 General permits shall include all of the following:

- a.** All elements contained in Rule 210, Section 302.1 of these rules except Sections 302.1b(2) and 302.1f.
- b.** The process for individual sources to apply for coverage under the general permit.

302.5 A source applying for authority to operate under a general permit shall not propose nor accept pursuant to Rule 220 of these rules emissions limitations, controls, or other requirements that are not included in the general permit.

303 APPLICATION FOR COVERAGE UNDER GENERAL PERMIT:

- 303.1** Once the Control Officer has issued a general permit, any source which is a member of the class of facilities covered by the general permit may apply to the Control Officer for authority to operate under the general permit. Applicants shall complete the specific application form, or if none has been adopted, the standard application form. The specific application form shall, at a minimum, require the applicant to submit the following information:
- a.** Information identifying and describing the source, its processes, and operating conditions in sufficient detail to allow the Control Officer to determine qualification for and to assure compliance with the general permit.
 - b.** A compliance plan that meets the requirements of Rule 210, Section 305 of these rules.
- 303.2** For sources required to obtain a permit under Title V of the Act, the Control Officer shall provide the Administrator with a permit application summary form and any relevant portion of the permit application and compliance plan. To the extent possible, this information shall be provided in computer readable format compatible with the Administrator's national database management system.
- 303.3** The Control Officer shall act on the application for coverage under the general permit as expeditiously as possible, but a final decision shall be reached within 180 days. The source may operate under the terms of its application during that time. If the application for coverage is denied, the Control Officer shall notify the source that it shall apply for an individual permit within 180 days of receipt of notice. The Control Officer may defer acting on an application under this rule, if the Control Officer has provided notice of intent to renew or not to renew the permit.
- 303.4** The Control Officer shall make available to the public a monthly summary of all applications received under this rule.

304 PUBLIC NOTICE:

- 304.1** The Control Officer shall provide public notice for any proposed general permit, for any revision of an existing general permit, and for renewal of an existing general permit.
- 304.2** The Control Officer shall publish notice of the proposed general permit once each week for two consecutive weeks in a newspaper of general circulation within Maricopa County. The notice shall describe the following:
- a.** The proposed general permit.
 - b.** The category of sources that would be affected.
 - c.** The air contaminants which the Control Officer expects to be emitted by a typical facility in the class and by class as a whole.
 - d.** The Control Officer's proposed actions and effective date for the actions.

- e. Locations where documents relevant to the proposed general permit will be available during normal business hours.
- f. The name, address and telephone number of a person within the Division who may be contacted for further information.
- g. The address where any person may submit comments and/or request a public hearing and the date and time by which comments or public hearing request are required to be received.
- h. The process by which sources may obtain authorization to operate under the general permit.

304.3 For general permits under which operation may be authorized in lieu of individual source permits issued under Rule 210 of these rules, the Control Officer shall give notice of the proposed general permit to each affected state at the same time that the proposed general permit goes out for public notice. The Control Officer shall provide the proposed final permit to the Administrator after public and affected state review. No Title V permit shall be issued if the Administrator properly objects to its issuance in writing within 45 days from receipt of the proposed final permit and any necessary supporting information from the Control Officer.

304.4 The Control Officer shall provide at least 30 days from the date of the first notice described in Section 304.3 of this rule for public comment.

304.5 Written comments to the Control Officer shall include the name of the person and the person's agent or attorney and shall clearly set forth reasons why the general permit should or should not be issued.

304.6 At the time a general permit is issued, the Control Officer shall make available a response to all relevant comments on the proposed permit raised during the public comment period and during any requested public hearing. The response shall specify which provisions, if any, of the proposed permit have been changed and the reason for the changes. The Control Officer shall also notify in writing any petitioner and each person who has submitted written comments on the proposed permit or requested notice of the final permit decision.

305 SOURCES FOR WHICH A GENERAL PERMIT MAY NOT BE ISSUED: General permits shall not be issued to sources that are subject to case-by-case standards or requirements.

306 GENERAL PERMIT RENEWAL: The Control Officer shall review and may renew general permits every five years. A source's authorization to operate under a general permit shall expire when the general permit expires regardless of when the authorization began during the five year period, except as provided in Section 311.3 of this rule. In addition to the public notice required to issue a proposed general permit under Section 304 of this rule, the Control Officer shall notify in writing all sources who have been granted or who have applications pending for authorization to operate under the general permit. The written notice shall describe the source's duty to reapply and may include requests for information required under the proposed general permit.

307 RELATIONSHIP TO INDIVIDUAL PERMITS: Any source covered under a general permit may request to be excluded from coverage by applying for an individual source permit. Coverage under the general permit shall terminate on the date the individual permit is issued.

308 GENERAL PERMIT VARIANCE FOR ANY NON-FEDERALLY ENFORCEABLE REQUIREMENT OF A PERMIT:

308.1 Where, MACT, as defined in Rule 370 of these rules, or HAPRACT has been established in a general permit for a source category designated pursuant to ARS§49-426.05(A), the owner or operator of a source within that source category may apply for a variance from the standard by demonstrating compliance with ARS§49-480.04(D) at the time the source applies for coverage under the general permit.

308.2 If the owner or operator makes the showing required by ARS§49-480.04(D) and otherwise qualifies for the general permit, the Control Officer shall, in accordance with the procedures established pursuant to this rule, approve the application and authorize operation under a variance from the standard of the general permit.

308.3 Except as modified by the variance, the source shall comply with all conditions of the general permit.

308.4 Applications and approvals of general permit variances shall be subject to the public notice requirements of Rule 210 of these rules.

309 GENERAL PERMIT SHIELD: Each general permit issued under this rule shall specifically identify all federal, state, and local air pollution control requirements applicable to the source at the time the general permit is issued. The general permit shall state that compliance with the conditions of the general permit shall be deemed compliance with any applicable requirement as of the date of general permit issuance. Any permit under this rule that does not expressly state that a permit shield exists shall be presumed not to provide such a shield. Notwithstanding the above provisions, the source shall be subject to enforcement action for operation without a permit if the source is later determined not to qualify for the conditions and terms of the general permit. A permit shield provided for a general permit shall meet all the requirements of Rule 210 of these rules.

310 GENERAL PERMIT APPEALS: Any person who filed a comment on a proposed general permit as provided in Section 304 of this rule may appeal the terms and conditions of a general permit, as they apply to the facility class covered under a general permit, by filing an appeal with the hearing board within ten days of issuance of the general permit.

311 REVOCATIONS OF AUTHORITY TO OPERATE:

311.1 The Control Officer may require a source authorized to operate under a general permit to apply for and to obtain an individual source permit at any time if:

- a. The Control Officer has determined that the source is not in compliance with the terms and conditions of the general permit; or
- b. The Control Officer has determined that the emissions from the source or facility class are significant contributors to ambient air quality standard violations which are not adequately addressed by the requirements in the general permit; or
- c. The Control Officer has information which indicates that the effects on human health and the environment from the sources covered under the general permit are unacceptable.

- 311.2** The Control Officer shall provide written notice to all sources operating under a general permit prior to cancellation of a general permit. Such notice shall include an explanation of the basis for the proposed action. Within six months of receipt of the notice of the expiration, termination or cancellation of any general permit, sources notified shall submit an application to the Control Officer for an individual permit.
- 311.3** A source previously authorized to operate under a general permit may operate under the terms of the general permit until the earlier of the date it submits a complete application for an individual permit, or 180 days after receipt of the notice of expiration, termination or cancellation of any general permit.

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